IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.53 OF 2004
IN
WRIT PETITON NO.2303 OF 2003

Tentous Shipping Co. Ltd. ..Applicant.

V/s.

The Commissioner of Customs (P) & Ors. ..Respondents.

Mr.David C.Gomes for Applicant.

Mr.P.S.Jetly with Y.R.Mishra for respondents.

CORAM : Dr.S.RADHAKRISHNAN & J.P.DEVADHAR, JJ.

DATED : 24TH JANUARY, 2006.

P.C. :-

1. Heard learned counsel for the applicant and the respondents. By this Notice of Motion, the applicant - the original petitioner contended that pursuant to our order dated 7th October, 2003 respondents ought to have returned the deposited amount of Rs.50,00,000/- to the petitioner. However, it appears that the respondents have not complied with the same.

2. Mr.Jetly, learned counsel appearing for the respondents sought to contend that they are ready to refund the said amount of Rs.50,00,000/- and in fact refund order was sent in the name of NLS Agency (India)

Pvt.Ltd. who had actually deposited the said amount on behalf of the petitioner. But the same was returned by the Advocate for the petitioner on the ground that the refund order is not in accordance with the order passed by this Court.

3. In the order passed on 7/10/2003, it is specifically stated that the deposits made be returned to the petitioner. Therefore, the question of issuing the refund order in the name of NLS Agency or depositing the same in this Court does not arise at all. Having regard to the aforesaid facts and circumstances, we direct the respondents to refund the said sum of Rs.50,00,000/- to the petitioner within a period of four weeks from today.

4. Petitioner is at liberty to approach the Reserve Bank of India to remit the said amount.

5. Notice of Motion stands disposed of in terms of above order with no order as to costs.

. Parties to act on an ordinary copy of this order duly authenticated by P.A.

(Dr.S.RADHAKRISHNAN,J.)

(J. P. DEVADHAR, J.)